

UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

**CIVIL MINUTES - GENERAL**

Case No.	ED CV 13-2126 MMM (JCG)	Date	April 10, 2015
Title	<i>Jessica McKinnon v. Carolyn W. Colvin, Acting Commissioner of Social Security</i>		

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Present: The Honorable	<b>Jay C. Gandhi, United States Magistrate Judge</b>
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Kristee Hopkins	None Appearing	
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Deputy Clerk	Court Reporter / Recorder	Tape No.
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Attorneys Present for Petitioner:	Attorneys Present for Respondent:
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None Appearing	None Appearing
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**Proceedings: (IN CHAMBERS) SECOND ORDER TO SHOW CAUSE WHY ACTION SHOULD NOT BE DISMISSED FOR FAILURE TO PROSECUTE AND/OR COMPLY WITH COURT ORDERS**

In this action, Plaintiff seeks review of the denial of her late husband's application for social security disability benefits.<sup>1</sup> [See Dkt. No. 3.]

On February 27, 2015, the Court issued an Order to Show Cause ("OSC") why this action should not be dismissed after Plaintiff failed to file her Motion for Summary Judgment ("MSJ"). [Dkt. No. 20.]

Plaintiff was advised that if she filed her MSJ by March 27, 2015, she did not need to separately respond to the OSC. [*Id.*]

As of today, Plaintiff has failed to file her MSJ, or otherwise respond to the OSC.

Instead, on March 27, 2015, Plaintiff filed a *new* complaint, in which she purported to challenge – by means of an entirely new action – the denial of her husband's application for social security disability benefits.<sup>2</sup> [See C.D. Cal. Case No. ED CV 15-0599 MMM (JCG), Dkt. No. 1 at 1, 3.]

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<sup>1</sup> Plaintiff was substituted as the party of record following her husband's death in 2014. [See Dkt. No. 17.]

<sup>2</sup> The Court has recommended that Plaintiff's concurrent request to proceed *in forma pauperis* be denied on the grounds that her proposed complaint is (1) duplicative and (2) untimely.

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Pursuant to Rule 41(b) of the Federal Rules of Civil Procedure, a district court may *sua sponte* dismiss an action for failure to prosecute or failure to comply with a court order. See *Link v. Wabash R.R. Co.*, 370 U.S. 626, 629-32 (1962).

Here, Plaintiff has failed to respond to two consecutive orders, including the OSC. [See Dkt. Nos. 19, 20.]

Accordingly, within **fourteen days** of the date of this Order, Plaintiff is **ORDERED TO SHOW CAUSE** – that is, to explain, in writing, why she has failed to file her MSJ or otherwise respond to the OSC.

Alternatively, if Plaintiff files her MSJ by **April 24, 2015**, she need not separately respond to this Order to Show Cause.

**Plaintiff is warned that her failure to timely file her MSJ or otherwise respond to this Order may result in a recommendation that this action be dismissed for failure to prosecute and/or failure to comply with court orders, pursuant to Rule 41(b) of the Federal Rules of Civil Procedure.**

**IT IS SO ORDERED.**

cc: Parties of Record

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Initials of Clerk	kh		